

REMARKS

This paper is being filed in response to the Office Action mailed July 9, 2004. Claims 1-21 and 26-29, including withdrawn claims 13-20, are pending. Claims 1-12 and 21 have been allowed. Claim 26 has been amended and claims 28 and 29 have been cancelled without prejudice. Claims 30-43 have been added by this amendment.

A Request for Continued Examination (RCE) and a check for \$790 to cover the RCE filing fee payment are being filed with this Amendment. A check for payment of the fee for the added claims (\$656) is also being filed with this Amendment. Authorization is granted to charge our deposit account no. 03-3415 for any additional fees necessary for entry of this Amendment.

The Examiner has indicated that claims 1-12 and 21 are allowable over the prior art of record. The Examiner has rejected applicants' claims 26-29 under 35 U.S.C. § 102 (e) as being anticipated by the Yamano, et al. (US 6,067,116) patent. The Examiner has also rejected applicants' claims 26-29 under 35 U.S.C. § 102(e) as being anticipated by the Kamamoto, et al. (US 5,932,429) patent.

Applicants have cancelled claims 28 and 29, rendering the Examiner's rejections thereto moot. Applicants have amended independent claim 26, and with respect to such claim, and its respective dependent claims, the Examiner's rejections are respectfully traversed.

Independent claim 26 has been amended to better define applicants' invention. More particularly, applicants' amended independent claim 26 now recites a moving member including a first moving member and a second moving member, said first moving member enabling the display part to rotate around a first shaft so that the display part moves toward an upper side of the first operation face, and the second moving member enables the display part

to rotate around a second shaft substantially perpendicular to the first shaft, and wherein when the display part is in the first position, a major-side direction of the display part substantially coincides with a major-side direction of the body, and when the display part is in the second position, a minor-side direction of the display part substantially coincides with a major-side direction of the body.

The construction recited in applicants' independent claim 26 is not taught or suggested by the cited art of record. More particularly, the Examiner has argued that the Yamano, et al. patent discloses an image pickup apparatus with a moving member for moving the display part to a first position in which the first operation face of the body is covered by the display part and a second position in which the first operation face is not covered by the display part and is exposed outside (e.g., hinge element 203 of Fig. 2 is the moving member wherein the display part can be moved as shown in Fig. 9), wherein when said display part is in the first position, a major-side direction of said display part substantially coincides with a major-side direction of said body, and said display part is in the second position when said display part moved toward an upper side in said first operation face (e.g. see Fig. 2 and 9).

The Examiner has argued that the Kamamoto, et al. patent also discloses an image pickup apparatus including a moving member for moving said display part to a first position in which the first operation face of said body is covered by said display part, and a second position in which said first operation face is not covered by said display part and is exposed outside (e.g., opening/closing device element 12 of Fig. 2 is the moving member wherein the display part can be moved as shown in Figs. 2-5), wherein when said display part is in the first position, a major-side direction of said display part substantially coincides with a major-side direction of said body, and said display part is in the second position when said display

part moved toward an upper side in said first operation face (e.g., see Figs. 2-5 wherein as shown in Fig. 5 when said display part is moved toward an upper side face in said first operation face, namely rotated upward, the display is in the second position, i.e., the operation face is not covered).

Applicants have reviewed FIGS. 2 and 9 of the Yamano, et al. patent cited by the Examiner, and there is nothing taught or suggested in the Yamano, et al. patent of a moving member including a first moving member which enables the display part to rotate around a first shaft to move the display part toward an upper side of the first operation face, and a second moving member which enables the display part to rotate around a second shaft substantially perpendicular to the first shaft. As shown in FIG. 2, and particularly in FIG 9, of the Yamano, et al. patent, the hinge element 203 allows the display part to be rotated around one shaft so as to open and close the display, and does not disclose rotating the display part around a second shaft substantially perpendicular to the first shaft. Accordingly, the Yamano, et al. patent clearly fails to teach or suggest a moving member which includes a first moving member and a second moving member, as recited in applicants' amended independent claim 26.

Applicants have also reviewed FIGS. 2-5 of the Kamamoto, et al. patent and there is nothing taught or suggested in the Kamamoto, et al. patent of a moving member including a first moving member and a second moving member, where the first moving member enables the display part to rotate around a first shaft so that the display part moves toward an upper side of the first operation face. Specifically, as shown in FIGS. 2-4, the display of the video camera taught by Kamamoto, et al. can be opened and closed by rotating the display from the side of the camera body in a horizontal direction, and as shown in FIG. 5 of the Kamamoto, et

al. patent, the display can be tilted or rotated about a horizontal axis. There is, however, nothing shown or suggested in the Kamamoto, et al. patent of the display being moved toward the upper side of the operational face of the body. Even if the display is rotated 90 degrees about the horizontal axis, as shown in FIG. 5 of the Kamamoto, et al. patent, so that the display is facing downward, the position of the display would not be near the upper side of the operational face of the body. Instead, the position of the display remains in the central portion of the operational face of the body, as clearly shown in FIGS. 2 and 5 of the Kamamoto, et al. patent. Accordingly, Kamamoto, et al. fail to teach or suggest the moving member including a first moving member and a second moving member, wherein the first moving member enables the display part to rotate around a first shaft so that said display part moves toward an upper side of the first operation face, as required by applicants' amended independent claim 26.

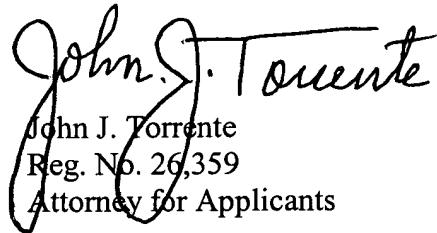
Applicants' independent claim 26, and its respective dependent claims, all of which recite such feature, thus patentably distinguish over the Yamano, et al. patent and over the Kamamoto, et al. patent.

Further, applicants' newly added independent claims 30, 32, 34, 36 and 38 all recite a moving member which includes a first moving member and a second moving member, in which the first moving member enables a display part to rotate around a first shaft so that the display part moves toward an upper side in the image pickup apparatus, and the second moving member enables the display part to rotate around a second shaft substantially perpendicular to the first shaft. Accordingly, applicants' new independent claims 30, 32, 34, 36 and 38, and their respective dependent claims, also patentably distinguish over the Yamano, et al. patent and over the Kamamoto, et al. patent.

In view of the above, it is submitted that applicants' claims 26-27 and 30-43 patently distinguish over the cited art of record. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 790-9273.

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Respectfully submitted,


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